



## Ohio Administrative Code

Rule 3701:1-37-11 Relief from fingerprinting, identification, and criminal history records checks and other elements of background investigations for designated categories of individuals permitted unescorted access to certain radioactive materials.

Effective: November 3, 2019

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(A) Fingerprinting, and the identification and criminal history records checks required by section 149 of the "Atomic Energy Act of 1954" (Pub. L. 83-703, 68 Stat. 919, 42 U.S.C. 2169), as amended, and this chapter, and other elements of the background investigation are not required for the following individuals prior to granting unescorted access to category one or category two quantities of radioactive materials:

- (1) An employee of the U.S. nuclear regulatory commission or of the executive branch of the U.S. government who has undergone fingerprinting for a prior U.S. government criminal history records check;
- (2) A member of congress;
- (3) An employee of a member of congress or congressional committee who has undergone fingerprinting for a prior U.S. government criminal history records check;
- (4) The governor of a state or his or her designated state employee representative;
- (5) Federal, state, or local law enforcement personnel;
- (6) State radiation control program directors and state homeland security advisors or their designated state employee representatives;
- (7) Agreement state employees conducting security inspections on behalf of the U.S. nuclear regulatory commission under an agreement executed under section 274.i. of the "Atomic Energy Act" (Pub. L. 83-703, 68 Stat. 919, 42 U.S.C. 2021i.);



- (8) Representatives of the international atomic energy agency (IAEA) engaged in activities associated with the U.S./IAEA safeguards agreement who have been certified by the U.S. nuclear regulatory commission;
- (9) Emergency response personnel who are responding to an emergency;
- (10) Commercial vehicle drivers for road shipments of category one and two quantities of radioactive material;
- (11) Package handlers at transportation facilities such as freight terminals and railroad yards;
- (12) Any individual who has an active federal security clearance, provided that he or she makes available the appropriate documentation. Written confirmation from the agency/employer that granted the federal security clearance or reviewed the criminal history records check must be provided to the licensee. The licensee shall retain this documentation for a period of three years from the date the individual no longer requires unescorted access to category one or category two quantities of radioactive material; and
- (13) Any individual employed by a service provider licensee for which the service provider licensee has conducted the background investigation for the individual and approved the individual for unescorted access to category one or category two quantities of radioactive material. Written verification from the service provider must be provided to the licensee. The licensee shall retain the documentation for a period of three years from the date the individual no longer requires unescorted access to category one or category two quantities of radioactive material.
- (B) Fingerprinting, and the identification and criminal history records checks required by section 149 of the "Atomic Energy Act of 1954" (Pub. L. 83-703, 68 Stat. 919, 42 U.S.C. 2169), as amended, are not required for an individual who has had a favorably adjudicated U.S. government criminal history records check within the last five years, under a comparable U.S. government program involving fingerprinting and an FBI identification and criminal history records check provided that he or she makes available the appropriate documentation. Written confirmation from the agency/employer that reviewed the criminal history records check must be provided to the licensee. The licensee shall retain this documentation for a period of three years from the date the



individual no longer requires unescorted access to category one or category two quantities of radioactive material. These programs include, but are not limited to:

- (1) National agency check;
- (2) Transportation worker identification credentials (TWIC) under 49 CFR 1572 (in effect on the effective date of this rule);
- (3) Bureau of alcohol, tobacco, firearms, and explosives background check and clearances under 27 CFR 555 (in effect on the effective date of this rule);
- (4) Health and human services security risk assessments for possession and use of select agents and toxins under 42 CFR 73 (in effect on the effective date of this rule);
- (5) Hazardous material security threat assessment for hazardous material endorsement to commercial drivers license under 49 CFR 1572 (in effect on the effective date of this rule); and
- (6) Customs and border protections free and secure trade (FAST) program.